

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RA-CW-99-2019 in
CWP-2396-2019
Date of decision: 6.3.2019

Lord Bankey Bihari Mandir Charitable Trust

...Review applicant-Petitioner

Versus

Municipal Council, Hansi and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Brijesh Kr. Gupta, Advocate
for the review applicant/petitioner

Mr.Vikrant Pamboo, DAG, Haryana

JITENDRA CHAUHAN, J.

The instant application is for review of the judgment dated 29.1.2019 passed in CWP-2396-2019 on the ground that the representative of the petitioner was not aware of the fact that the temple in question was originally established by late Sh.Dattu Ram in his residential house for his private worship during his life time and after his demise the said temple has been opened for the general public, which is now being managed and controlled by the petitioner -trust. It is asserted by the learned counsel for the petitioner / review applicant that during the search of the old records of late Sh. Dattu Ram, sanction letter dated 13.3.1963 (Annexure P-17) issued by the competent authority and Form -B dated 27.2.1963 (Annexure P-18) were discovered. Letter (Annexure P-17) is sanction letter for construction of single storyed house in which the temple was originally established.

Heard.

Hon'ble the Supreme Court in “**Kamlesh Verma Vs. Mayawati and others**”, 2013 (4) SCC (Cr1) 265, has summed up the law with regard to review of the judgment when the Review will be maintainable:-

- i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.
- (iv) The words “any other reason” mean “a reason sufficient on grounds at least analogous to those specified in the rule”.

When the review will not be maintainable:-

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be

permitted to be advanced in the review petition.”

In the instant case, no sufficient reason has been shown by the review applicant to make out a case for review. It cannot be said that the documents (Annexures P-17 & P-18) were not in the knowledge of the petitioner prior to filing the present petition after exercise of due diligence. The Court feels that the review applicant / petitioner has cooked up the story of discovery of the documents Annexures P-17 & P-18 to make up a case of review.

In view of the above, no case for review of the judgment dated 29.1.2019 passed in CWP-2396-2019 is made out at this stage. As such, the present review application is rejected.

6.3.2019
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No